

REMARKS

Claims 1-21 are pending in this application. By this Response, claims 14-21 are added. Support for the features of claims 14-21 is provided at least at page 6, line 15 to page 13, line 20 and page 14, line 7 to page 15, line 15 of the present specification. No new matter has been added by the addition of claims 14-21. Reconsideration of the claims in view of the following remarks is respectfully requested.

I. Telephone Interview

Applicants thank Examiner Jean-Gilles for the courtesies extended to Applicants' representative during the May 9, 2005 telephone interview. During the telephone interview, the distinctions of the present claims over the cited art were discussed. Examiner Jean-Gilles stated that Applicants made a very good point with regard to the fact that Aronberg does not provide any mechanism for differentiating between user profiles on the same computing device when distributing software and that Broster is not concerned with software distribution and is only concerned with setting up user profiles for searching documents that meet a user's topic of interest. Examiner Jean-Gilles requested that Applicants' arguments be submitted in this Response and stated that those arguments would be strongly considered when reviewing the references and the rejections set forth in the First Office Action. The substance of the telephone interview is summarized in the following remarks.

II. Rejection of Claims 1, 4 and 8-12 under 35 U.S.C. 102(b)

The Office Action rejects claims 1, 4 and 8-12 under 35 U.S.C. 102(b) as being allegedly anticipated by Aronberg (U.S. Patent No. 5,933,647). This rejection is respectfully traversed.

Claim 1, which is representative of similar features set forth in claims 9-12, reads as follows:

1. A method of distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context, the method including the steps of:

providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile,

storing an indication of the at least one user activity on the computer,

accessing the computer with a current user profile, and retrieving and executing each user activity associated with the current user profile in the corresponding operating context.

(emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Aronberg does not identically show every element of the claimed invention arranged as they are in the claims. Specifically, Aronberg does not teach a distribution package having at least one item indicative of at least one activity for enforcing a corresponding software feature, the at least one activity being defined as a user activity associated with at least one user profile. Moreover, Aronberg does not teach retrieving and executing each user activity associated with a current user profile in a corresponding operating context.

Aronberg is directed to a system and method for distributing software in a computer network. With the system and method of Aronberg, an administrator creates a profile of the software that instructs an agent running on a computer how to install the distributed software. This profile, which is depicted as element 303 in Figure 3 of Aronberg, includes instructions that are added to the profile using a graphical user interface such as that depicted as element 401 in Figure 4 of Aronberg, e.g., create directory, create shortcut, etc.

The profile is distributed to agents on workstations specifically identified by the administrator using a scheduler (column 4, lines 50-54). The agents detect the newly scheduled software distribution, determine if distribution of the software to the agent is appropriate based on conditions for distribution, and then pull down the software distribution from the server if distribution is appropriate. Conditions for an agent on the computer to pull down software distributions may be set using the condition builder depicted in Figure 9 of Aronberg and described at column 6, lines 20-38.

Thus, Aronberg is concerned with identifying which computers are to receive software distributions and setting up a profile for instructing the agents how to install the software distribution on the computer. Aronberg has no concern for individual user profiles on a particular computer and thus, makes no distinction between user profiles on a computer. As a result, Aronberg does not teach a computer being accessible with a computer having a plurality of different user profiles, each one associated with a corresponding operating context; a distribution package having at least one item indicative of at least one activity for enforcing a corresponding software feature, the at least one activity being defined as a user activity associated with at least one user profile; and retrieving and executing each user activity associated with a current user profile in a corresponding operating context.

In other words, the present invention, as recited in claim 1, executes a user activity of the distribution package that is associated with a current user profile that is being used to access the computer. Aronberg merely provides for an agent of the computer to determine if it meets conditions for downloading the software distribution from a server. Aronberg provides no teaching regarding a current user profile being used to access a computer or executing a user activity of a distribution package that is associated with the current user profile that is being used to access the computer. To the contrary, in Aronberg, if the agent determines that it should download the software to the computer, it does so regardless of any user profile that may or may not have been used to access the computer. In fact, nowhere in Aronberg is there any mention of user profiles or the ability of a computer to have a plurality of user profiles.

The Office Action alleges that Aronberg teaches a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating

context, at Figure 1, items 101-102, column 2, lines 52-67, and column 3, lines 1-14. Elements 101 and 102 in Figure 1 are a workstation and a server, respectively. These elements do not provide any teaching regarding a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating context. Column 2, lines 52-67 merely describes the Aronberg system as being one for distribution of software in which a console is provided for creating distribution control information in a network environment. This network environment includes a console means, agent means, and server means. However, nowhere in this portion of Aronberg is there any mention of a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating context.

Column 3, lines 1-14 merely describes the profile as being a set of instructions for instructing an agent running on a computer as to how to install the distributed software. This section further teaches the use of a "virgin window" to facilitate this installation and a condition builder for identifying which computers are to download the software. Again, nothing in this section, or any other section, of Aronberg mentions a computer that is accessible by a plurality of different user profiles, each one associated with a corresponding operating context. Since Aronberg does not teach this feature, Aronberg cannot teach the other features of claim 1 which make reference to user profiles or current user profiles, as discussed previously.

With regard to the feature of providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, the at least one activity being defined as a user activity associated with at least one user profile, the Office Action alleges that this feature is taught by Aronberg at column 4, lines 7-26 and column 5, lines 1-38 which read as follows:

A complete software distribution and desktop management system for computer networks requires features such as automatic profiling of applications, effortless distribution of software, mass customization of computers on the network, and total support for the operating system such as Windows 95 and Windows NT.

Referring now to FIG. 1 there is shown a system overview schematic 100 of a typical network arrangement in accordance with the present invention. Software distribution and desktop management is performed from the workstation running the console 101 component of the

present invention which includes an administrator. The workstation running the console 101 is linked to the file server 102 which in turn is linked to workstations 103 and 104 running the agent components of the present invention. It is noted that in the present invention the profiling occurs on the console 101, the profile is stored on the file server 102, and the profile is distributed to the agents 103 and 104. The profile is a set of instructions to the computers 103 and 104 on how to install any application.

(Column 4, lines 7-26)

A profile or application is made up of individual "actions". The user may edit the action, edit the condition attached to the action, delete the action, or perform a "search and replace" on the action. A key feature of the present invention is the ability to produce "gender neutral profiles" which means that after an application is profiled, the application can be distributed automatically to Windows NT workstation, Windows 95 workstation, and if its a 16 bit application to a Windows 3.1 workstation.

Concerning the grouping the action sets, applications, or profiles, there are the following four types of action sets: folders, application, routines, and install types. Folders hold other actions sets, but contain no actions. Routines contain only actions. Install types contain only actions. An application contains actions and other install types.

Referring now to FIG. 3 there is shown a main window 301 through which the present invention is controlled from the workstation running the console. The various actions sets 302 are selected by clicking on a particular application and choosing an install type. Particular actions available to the user are described in a boxed area 303. The distribution of the jobs and the agents to receive the jobs are noted in boxed areas 304 and 305, respectively.

Referring now to FIG. 4 there is shown a dialog box 401, accessed from the main window in FIG. 3, from which actions by the user are selected. As shown, the application Microsoft Office is selected with a typical install option, and various actions which the user may select by clicking the mouse controlled cursor on the particular action desired. As noted before, actions are instructions that will be executed by the agent based workstation, such as 103 or 104, when the agent determines it meets the conditions set by the administrator from the console and pulls down the application from the file server 102. After the profiler has created the predetermined set of actions, the user can add more actions to customize the download of the application to the agents. The user may add a new action to an action set by selecting one from the list in the dialog box 401.

(Column 5, lines 1-38)

While the above sections of Aronberg mention a "profile" and that a "user" may edit this profile using the window and dialog box shown in Figures 3 and 4, these profiles are not user profiles as recited in claim 1. The "profile" in Aronberg is the distribution package. That is the "profile" in Aronberg is the program that is distributed to workstations so that the software may be installed on the workstations. The "profile" in Aronberg is not a user profile that is associated with a user activity identified by at least one item in a distribution package. Moreover, the "user" in Aronberg is the administrator who is developing the distribution package for installation of the software on the workstations. The "user" in Aronberg is not a user of the workstation and thus, the "user" in Aronberg has nothing to do with user profiles on a computer that may be associated with user actions identified in items of a distribution package.

Thus, while Aronberg may mention similar terminology as that recited in the claim 1, i.e. a "profile" and a "user", the actual teachings of Aronberg are nothing like the features recited in claim 1. Therefore, despite the allegations made in the Office Action, Aronberg, in actuality, does not teach or even suggest providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, the at least one activity being defined as a user activity associated with at least one user profile, as recited in claim 1.

In view of the above, Applicants respectfully submit that Aronberg does not teach each and every feature of claim 1 as is required under 35 U.S.C. § 102(b). Claims 9-12 recite similar features as emphasized above with regard to claim 1 and thus, are allowable over Aronberg for similar reasons as set forth above. Claims 4 and 8 are distinguished over Aronberg at least by virtue of their dependency on claim 1, as discussed above. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1, 4 and 8-12 under 35 U.S.C. § 102(b).

In addition to the above, claim 4 recites that each software feature includes a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion and a further corresponding item being indicative of the user activity of enforcing the user portion of each associated user profile. Aronberg does not teach a software feature having a global portion and a user portion or items indicative of the

global portion and user portion. The Office Action alleges that Aronberg teaches these features at column 6, lines 48-63 and column 7, lines 4-32 which read as follows:

Referring now to FIG. 11 there is shown a schematic 1101 of the "Virgin Windows" process in accordance with the present invention. Since the profiling process takes place at the console based workstation, which administrates the software distribution and desktop management of the agent based workstations, the virgin windows process assures that the console based workstation's windows operating system will not conflict with the profiles set up by the administrator. The administrator has to set up all files with the application on its workstation. In other words, the application is set up on the administration workstation, and the virgin windows process assures there are no conflicts with the workstation's current system and software configuration. After the system downloads the application with the profile to the file sever, the application is removed from the administration workstation.

(Column 6, lines 48-63)

Note that the "safe copied" feature is detailed in FIG. 17 and the discussion thereto. If more files are to be processed 1108 the system starts back from process stage 1102, otherwise, the computer is rebooted 1109 and the virgin windows process is completed 1110.

Referring now to FIG. 12 there is shown a schematic 1201 of the profiling process in accordance with the present invention. First, the profiling screen is invoked 1202, then the user enters the desired data 1203. The system then requires user action 1204 to either prompt the system to perform the virgin windows process or cancel the operation and close the dialog box 1205. If the virgin windows process is selected a virgin windows is created 1206, the system performs a "pre-scan" 1207, and the user installs the application being profiled 1208. Note that for a "pre-scan" the system reads the entire registry for temporary storage, copies all .ini, .bat and .sys files from the windows directory to a temporary storage location, scans the entire hard disk, then stores the following information for each file: name, size and time.

The system then requires user action to either abort the process or perform further processing. If the user aborts, the regular windows is restored, but the user may not view or modify the newly profiled application, because there is no newly modified application (it was aborted). If further processing is selected, the system performs the post-scan, regular windows is restored, and then the user may modify the newly profiled application.

(Column 7, lines 4-32)

These sections of Aronberg merely reference the "virgin window" mechanism for installing software on a workstation. The "virgin window" mechanism is a way of ensuring that the workstation's .ini, .bat, and .sys files are not corrupted during the installation operation. In this way, the installation may be aborted and the original window restored. Nowhere in the cited sections, or any other section, of Aronberg is there any mention of a global portion and user portion of a software resource or that a distribution package includes an item indicative of the global portion and an item indicative of the user portion. The sections cited by the Office Action are basically irrelevant to the features of claim 4. Thus, in addition to being dependent upon claim 1, claim 4 is distinguishable over Aronberg based on the specific features set forth in claim 4.

III. Rejection of Claims 2, 3, 5-7 and 13 under 35 U.S.C. 103(a)

The Office Action rejects claims 2, 3, 5-7 and 13 under 35 U.S.C. 103(a) as being allegedly unpatentable over Aronberg in view of Broster (U.S. Patent No. 6,424,968). This rejection is respectfully traversed for at least the same reasons as set forth above with regard to independent claim 1. That is, Broster does not provide for the deficiencies noted above in Aronberg and thus, any combination of these references, assuming such a combination were possible and one were motivated to attempt such a combination, still would not result in the features of claim 1 being taught or suggested or similar features found in claim 13 being taught or suggested.

Broster is directed to an information management system for retrieving data from a database using one or more data retrieval tools which retrieve data based on the registered interests of the users of the system. User interests may be stored in the database as user profiles comprising one or more keywords. A user interface is provided through which the user may enter user and project profile information which is used by a data input tool to generate one or more data sets for storage as profiles in the database. The user interests are topical interests that may be used to search documents for example,

using a search engine 110, such as shown in Figures 1 and 2 of Broster. The user interests in Broster have nothing to do with user profiles used to distribute and install software on computers.

Broster, like Aronberg, does not teach or even suggest a distribution package having at least one item indicative of at least one activity for enforcing a corresponding software feature, the at least one activity being defined as a user activity associated with at least one user profile. Moreover, Broster does not teach or suggest retrieving and executing each user activity associated with a current user profile in a corresponding operating context, as recited in claim 1 from which claims 2, 3 and 5-7 depend. Broster is only concerned with developing profiles of keywords that a search engine may use to search for documents having topics of interest for a particular user. Broster has nothing to do with the distribution or installation of software features on computers.

The Office Action uses Broster as a reference for allegedly teaching "an information management computer system with a user profile with search capabilities that work over a long period of time to report after a fixed time interval or at the next logon by that user" (Office Action, page 6). Because of this, the Office Action alleges that it would have been obvious to modify Aronberg to include a user agent that is run during a logon of to the computer with a current profile. First, the two references are concerned with different problems and provide different solutions for these different problems and thus, are not analogous art, despite the allegations made in the Office Action. Aronberg is concerned with the distribution of software for installation on workstations. Broster is concerned with searching for documents of interest to a user based on the user's profile as stored in a database. There is no reason why one of ordinary skill in the art would want to combine these two systems and it is not at all clear how such a combination would be made. How would a document searching system be integrated into a software distribution system? Moreover, why would one want to even combine such systems? What problem is solved by combining a document searching system with a software distribution system? There simply is no motivation for one of ordinary skill in the art to even attempt the combination alleged by the Office Action, let alone any possibility of success in such a combination.

However, even if such a combination were possible, and one of ordinary skill in the art were motivated to attempt such a combination, the result still would not be the invention as recited in claim 1. To the contrary, the combination of teachings from Aronberg and Broster would be some concoction of a software distribution system that uses an installation program, called a "profile," that is sent to the workstations for use by agents in the workstations in determining whether the workstation as a whole should download the software and install it using the install instructions set forth in the profile, with a document searching system that searches for documents having keywords matching the keywords in a user's profile. This combination does not provide any teaching or suggestion regarding providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile or retrieving and executing each user activity associated with the current user profile in the corresponding operating context. Again, while both references mention the terms "profile" and "user", the actual teachings of these references do not anticipate or obviate the features set forth in claim 1, from which claims 2, 3 and 5-7 depend.

In addition to the above, the alleged combination of Aronberg and Broster does not teach or suggest the specific features of claims 2, 3 and 5-7. For example, claim 2 recites that at least one activity is defined as a global activity associated with all the user profiles, and that the method further including the steps of running a global agent outside the context associated with the current user profile, executing each global activity under the control of the global agent, running a user agent during a logon to the computer with the current user profile, each user activity being retrieved and executed under the control of the user agent. Neither Aronberg nor Broster, either alone or in combination, teach a global agent and a user agent or that a global agent runs outside the context associated with a user profile and executes each global activity while the user agent runs during a logon to execute each user action. The Office Action alleges that simply because Broster teaches a user profile with search capabilities that may report at a next logon, that somehow the global and user agent features of the invention recited in claim 2 are taught by the reference. Nowhere in Broster is there any teaching of a software distribution

package being run by a global agent and a user agent on a computer or that the global agent runs outside the context of operation of the user agent.

While Broster teaches that the searching may be done and reported to the user at the user's next logon, this provides no teaching or suggestion regarding the distribution of software features using a global agent and a user agent, as recited in claim 2. Moreover, Aronberg provides no teaching or suggestion regarding global and user agents. This is because Aronberg is only concerned with determining which workstations should download the software from the server and has no concern regarding individual user contexts within each workstation. Thus, any alleged combination of Aronberg and Broster still would not result in the invention as recited in claim 2 being taught or suggested.

Regarding claim 3, neither Aronberg nor Broster, either alone or in combination, teaches or suggests the feature of the global agent running on the computer in a logoff condition. Basically, the Office Action asserts the same position as set forth above with regard to claim 2. Thus, the arguments set forth above with regard to claim 2 are considered to also apply to the features of claim 3. While Broster teaches that the searching can be done over a long period of time and can be reported to the user at the user's next logon, this has nothing to do with a global agent used to install distributed software features.

With regard to claim 5, neither reference, either alone or in combination, teaches or suggests that each item includes a flag defining the corresponding activity as a global activity or a generic user activity, the method further including, for each user activity, the steps of storing an indication of a completion of the generic user activity for each user profile and verifying whether the generic user activity has been completed in the context associated with the current user profile, the generic user activity being executed in the context associated with the current user profile only if the result of the verification is negative. The Office Action alleges that these features are taught by Broster at column 3, lines 25-34 and Aronberg at column 7, lines 9-67. In the cited section of Broster, all that is taught is that a project owner, i.e. user, can "flag" a project as having been completed. While Broster mentions a "flag" for completion of a project, this has nothing to do with flagging a generic user activity of user activities identified by items in a distribution

package as having been completed. This is because Broster is not concerned with the distribution of software features or a distribution package having items identifying global activities and generic user activities.

The cited section of Aronberg merely teaches the "virgin window" mechanism previously discussed above and the "post scan process". The "post scan process" of Aronberg involves canning the registry and all files to determine if the registry entry or files exist in the listings created in the pre-scan process. If not, or if the entry/file has been modified, it is saved to the profile. The cited section of Aronberg has nothing to do with global activities, generic user activities, identifying generic user activities as being completed, verifying whether generic user activities have been completed in the context associated with the current user profile, etc. Basically, the cited section of Aronberg is irrelevant to the features recited in claim 5 and provides not teaching or suggestion regarding any feature in this claim. Thus, since neither Aronberg nor Broster have anything to do with the features of claim 5, any alleged combination of these references still would not result in the features of claim 5 being taught or suggested.

Regarding claim 6, neither reference, either alone or in combination, teaches or suggests storing a global memory structure indicating a status of the global portion of each software feature, storing a user memory structure for each user profile indicating a status of the user portion of each software feature in the corresponding context, or verifying whether each generic user activity associated with the current user profile has been completed according to a comparison between the global memory structure and the corresponding user memory structure. With regard to claim 7, neither reference, either alone or in combination, teaches or suggests storing an indication of each user profile allowed to have each software feature enforced, or verifying whether the current user profile is allowed to have the software feature corresponding to each generic user activity enforced, each generic user activity being executed only if the result of the verification is positive. The rejections of these claims are based on the same misunderstanding of the teachings of the references as discussed above with regard to claims 1-3 and 5. Nowhere in either reference is there any teaching or suggest regarding global and user portions of software features or generic user activities, let alone the specific features recited in claims 6 and 7.

In view of the above, Applicants respectfully submit that neither Aronberg nor Broster, either alone or in combination, teach or suggest the features of claims 2, 3, 5-7 and 13. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 3, 5-7 and 13 under 35 U.S.C. 103(a).

IV. Newly Added Claims

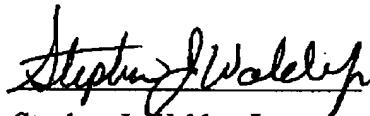
Claims 14-21 are added to recite additional features of the present invention. The features of claims 14-21 are not taught or suggested by either Aronberg or Broster, whether taken alone or in combination. Prompt and favorable consideration of claims 14-21 is respectfully requested.

V. Conclusion

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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Stephen J. Walder, Jr.
Reg. No. 41,534
WALDER INTELLECTUAL PROPERTY LAW, P.C.
P.O. Box 832745
Richardson, TX 75083
(214) 722-6419
ATTORNEY FOR APPLICANTS